

GARY M. RESTAINO
United States Attorney
District of Arizona
JOSEPH BOZDECH
California State Bar Number 303453
Assistant United States Attorney
Two Renaissance Square
40 North Central Avenue, Suite 1800
Phoenix, Arizona 85004-4408
Telephone: (602) 514-7500
Email: joseph.bozdech@usdoj.gov
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

David Allen Harbour,

Defendant.

CR 19-00898-PHX-DLR

**Notice of Service by Mail and Publication
of Amended Preliminary Order of
Forfeiture (Doc. 853)**

Pursuant to the provisions of Federal Rules of Civil Procedure Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims (“Fed. R. Civ. P. Supp.”) G(4), Fed. R. Crim. P. 32.2(b)(6), and 21 U.S.C. § 853(n)(1), attached is Declaration of Publication affirming that Plaintiff United States of America posted a notice of forfeiture on an official government internet site (www.forfeiture.gov) for at least thirty consecutive days, beginning June 6, 2024, and ending July 5, 2024.

Moreover, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Fed. R. Civ. P. Supp. G(4), on June 6, 2024, a notice of forfeiture containing the amended preliminary order of forfeiture (Doc. 853) was served via United States Postal Service First-Class Mail and Certified United States Mail upon the following individual/entity:

- Abby Harbour, 15527 E. Palatial Dr., Fountain Hills, AZ 85268; and
- BackJoy Orthotics LLC, Attn: Tre Vertuca, Pres. & CEO, P.O. Box 11036, Boulder, CO 80301.

1
2 Additionally, on July 1, 2024, a notice of forfeiture containing the amended
3 preliminary order of forfeiture (Doc. 853) was served via United States Postal Service
4 First-Class Mail and Certified United States Mail upon the following individual/entity:

- 5
 - 6 • BackJoy Orthotics, LLC, Attn: Eric Selhorn, Registered Agent, P.O. Box
11036, Boulder, CO 80301.

7 Attached are copies of all materials sent from and/or received by the United
8 States Attorney's Office during the course of such service. All names and addresses
9 reflect the most up-to-date contact information on all potential claimants as identified
10 and made available to the United States Attorney's Office by law enforcement.

11 DATED this 14th day of August, 2024.

12 GARY M. RESTAINO
13 United States Attorney
14 District of Arizona

15 S/ Joseph Bozdech
16 JOSEPH BOZDECH
Assistant United States Attorney

17
18
19 **CERTIFICATION**

20 I certify that on August 14, 2024, I electronically transmitted the attached
21 document to the Clerk's Office using the CM/ECF System for filing and transmittal
22 of a Notice of Electronic Filing to the following CM/ECF registrant: counsel of
23 record.

24 By: S/ Ray Southwick
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	19CR00898PHXDLR
)	
David Allen Harbour)	
)	
Defendant.)	

DECLARATION OF PUBLICATION

In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, notice of the forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on June 06, 2024 and ending on July 05, 2024. (See, Attachment 1).

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 14, 2024 at Phoenix, AZ.

/s/ Joseph Bozdech

Joseph Bozdech
AUSA

Attachment 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
COURT CASE NUMBER: 19CR00898PHXDLR; NOTICE OF FORFEITURE**

Notice is hereby given that on January 25, 2024, in the case of U.S. v. David Allen Harbour, Court Case Number 19CR00898PHXDLR, the United States District Court for the District of Arizona entered an Order condemning and forfeiting the following property to the United States of America:

Miscellaneous jewelry and coins Ser No: see items list (19-FBI-009336), including the following items: 1 Ring with pink stone, Ser No: None; 1 Chanel watch, Ser No: W.K.80418; 1 stud earrings, Ser No: None; 1 3 ASU championship rings, Ser No: None; 1 10 silver American Eagle coins in collector boxes, Ser No: None which was seized from David Harbour on August 05, 2019 at 8901 N. Martingale Rd, located in Paradise Valley, AZ

\$30,000 capital trust account with BackJoy Orthotics LLC (24-FBI-004533)

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (June 06, 2024) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, 401 W Washington Street, Phoenix, AZ 85003, and a copy served upon Assistant United States Attorney Joseph F. Bozdech, 40 North Central Avenue, Suite 1800, Phoenix, AZ 85004. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of

the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Joseph F. Bozdech, 40 North Central Avenue, Suite 1800, Phoenix, AZ 85004. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.



Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between June 6, 2024 and July 05, 2024. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. David Allen Harbour

Court Case No: 19CR00898PHXDLR
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	06/06/2024	23.9	Verified
2	06/07/2024	24.0	Verified
3	06/08/2024	23.9	Verified
4	06/09/2024	23.9	Verified
5	06/10/2024	23.9	Verified
6	06/11/2024	23.8	Verified
7	06/12/2024	24.0	Verified
8	06/13/2024	23.9	Verified
9	06/14/2024	23.9	Verified
10	06/15/2024	23.9	Verified
11	06/16/2024	23.9	Verified
12	06/17/2024	23.9	Verified
13	06/18/2024	23.9	Verified
14	06/19/2024	23.9	Verified
15	06/20/2024	23.9	Verified
16	06/21/2024	23.9	Verified
17	06/22/2024	23.9	Verified
18	06/23/2024	23.9	Verified
19	06/24/2024	23.9	Verified
20	06/25/2024	23.9	Verified
21	06/26/2024	23.9	Verified
22	06/27/2024	23.8	Verified
23	06/28/2024	23.9	Verified
24	06/29/2024	23.9	Verified
25	06/30/2024	24.0	Verified
26	07/01/2024	23.9	Verified
27	07/02/2024	24.0	Verified
28	07/03/2024	23.9	Verified
29	07/04/2024	23.9	Verified
30	07/05/2024	23.8	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.



U.S. Department of Justice

United States Attorney
District of Arizona

Two Renaissance Square
40 N. Central Ave., Suite 1800
Phoenix, AZ 85004-4408

Main: (602) 514-7500
Main Fax: (602) 514-7693

Joseph.Bozdech@usdoj.gov

June 6, 2024

Sent Via Certified and First-Class U.S. Mail to:

Abby Harbour
15527 E. Palatial Dr.
Fountain Hills, AZ 85268

Re: *United States v. David Allen Harbour*
CR-19-00898-PHX-DLR

Dear Ms. Harbour:

Our records indicate that you or your client may have an interest in certain property seized in the above action. This letter is to advise you that the United States has initiated judicial proceedings to criminally forfeit that property. By receipt of this letter, you or your client are on actual notice of these proceedings. Enclosed are copies of the Notice of Forfeiture and Preliminary Order of Forfeiture.

Service of this letter in no way implies that the United States believes that you have a valid interest in any property. The procedure and deadlines for filing a claim or petition are governed by 21 U.S.C. § 853(n)(2) and (3). Any claim or petition filed with the court must: (1) be signed under penalty of perjury; (2) identify the property at issue; (3) describe the nature and extent of any interest in the property; (4) detail the time and circumstances of acquisition of the interest in the property; (5) list any additional facts and documents in support of the claim or petition; and (6) state the specific relief sought.

Failure to timely comply with these rules will lead to entry of an order forfeiting the property.

Regards,

GARY M. RESTAINO
United States Attorney
District of Arizona

A handwritten signature in blue ink, appearing to read "J. Bozdech", is written over a faint, larger signature.

JOSEPH F. BOZDECH
Assistant United States Attorney

Encl.: Notice of Forfeiture
Preliminary Order of Forfeiture

7021 0950 0001 1678 2065

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage \$ _____

Total Postage and Fees \$ _____

MAILED 6-6-24
 Postmark
 RO.

Send To
ABBY HARBOUR
 Street and Apt. No., or PO Box No.
15527 E. PALATIAL DR.
 City, State, Zip+4®
FOUNTAIN HILLS, AZ 85268

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ABBY HARBOUR
15527 E. PALATIAL DR.
FOUNTAIN HILLS, AZ 85268



9590 9402 8353 3156 3565 12

2. Article Number (Transfer from service label)

7021 0950 0001 1678 2065

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Julie Gotschalk ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Julie Gotschalk 6/9/24

C. Date of Delivery

D. Is delivery address different from item 1? ☒ Yes
☐ No
If YES, enter delivery address below:

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Restricted Delivery | |

Domestic Return Receipt



U.S. Department of Justice

United States Attorney
District of Arizona

Two Renaissance Square
40 N. Central Ave., Suite 1800
Phoenix, AZ 85004-4408

Main: (602) 514-7500
Main Fax: (602) 514-7693

Joseph.Bozdech@usdoj.gov

June 6, 2024

Sent Via Certified and First-Class U.S. Mail to:

BackJoy Orthotics, LLC
Attn: Tre Vertuca, President and COO
P.O. Box 11036
Boulder, CO 80301

Re: *United States v. David Allen Harbour*
CR-19-00898-PHX-DLR

Dear Mr. Vertuca:

Our records indicate that you or your client may have an interest in certain property seized in the above action. This letter is to advise you that the United States has initiated judicial proceedings to criminally forfeit that property. By receipt of this letter, you or your client are on actual notice of these proceedings. Enclosed are copies of the Notice of Forfeiture and Preliminary Order of Forfeiture.

Service of this letter in no way implies that the United States believes that you have a valid interest in any property. The procedure and deadlines for filing a claim or petition are governed by 21 U.S.C. § 853(n)(2) and (3). Any claim or petition filed with the court must: (1) be signed under penalty of perjury; (2) identify the property at issue; (3) describe the nature and extent of any interest in the property; (4) detail the time and circumstances of acquisition of the interest in the property; (5) list any additional facts and documents in support of the claim or petition; and (6) state the specific relief sought.

Failure to timely comply with these rules will lead to entry of an order forfeiting the property.

Regards,

GARY M. RESTAINO
United States Attorney
District of Arizona

A handwritten signature in blue ink, appearing to read "J. Bozdech", is written over a faint circular stamp.

JOSEPH F. BOZDECH
Assistant United States Attorney

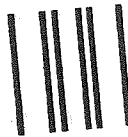
Encl.: Notice of Forfeiture
Preliminary Order of Forfeiture

7021 0950 0001 1678 2089

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	<div style="text-align: center;"> MAILED 6-6-24 <i>R.S.</i> </div>
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage	
\$	
Total Postage and Fees	
\$	
Sent To BACK JOY ORTHOTICS LLC Street and Apt. No. or P.O. Box ATTN: TRE VERTICA, PRES & COO Only State ZIP+4® P.O. BOX 11036 BOULDER, CO 80301	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p>	
<p>1. Article Addressed to:</p> <p>BACKJOY ORTHOTICS, LLC ATTN: TRE VERTUCA, PRES. & COO P.O. BOX 11036 BOULDER, CO 80301</p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7021 0950 0001 1678 2089</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

USPS TRACKING# 9590 9402 8353 3156 3565 36



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Ray Southwick
United States Attorney's Office
Two Renaissance Square
40 N. Central Ave., Ste. 1800
Phoenix, AZ 85004-4408

JUN 24 '24 PM 1:41
RECEIVED PHOENIX

CR19-00898-PHX-DLR

ALERT: FLOODING AND SEVERE WEATHER IN THE CARIBBEAN, SOUTHEAST, MID-ATLANTIC,...

USPS Tracking®

FAQs >

Tracking Number:

Remove X

70210950000116782089

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 1:59 pm on June 13, 2024 in LONGMONT, CO 80504.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

LONGMONT, CO 80504

June 13, 2024, 1:59 pm

Forwarded

BOULDER, CO

June 11, 2024, 12:12 pm

Departed USPS Regional Facility

DENVER CO DISTRIBUTION CENTER

June 10, 2024, 8:37 am

Arrived at USPS Regional Facility

DENVER CO DISTRIBUTION CENTER

June 8, 2024, 9:34 am

Arrived at USPS Regional Facility

PHOENIX AZ DISTRIBUTION CENTER

Feedback

June 6, 2024, 8:08 pm

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



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Product Information



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Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

1 GARY M. RESTAINO
United States Attorney
2 District of Arizona
JOSEPH BOZDECH
3 California State Bar Number 303453
Assistant United States Attorney
4 Two Renaissance Square
40 North Central Avenue, Suite 1800
5 Phoenix, Arizona 85004-4408
Telephone: (602) 514-7500
6 Email: joseph.bozdech@usdoj.gov
Attorneys for Plaintiff
7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 v.
13 David Allen Harbour,
14 Defendant.

CR 19-00898-PHX-DLR
Notice of Forfeiture

15
16 Notice is given that an order was entered condemning and forfeiting to the United
17 States of America the property listed in the order. The order having been entered,
18 Plaintiff United States of America gives notice of its intention to dispose of the forfeited
19 property in such manner as the Attorney General of the United States may direct. Any
20 persons or entities having or claiming a legal right, title or interest in any of the
21 aforementioned property must, within thirty (30) days of the final publication of this
22 notice or actual receipt of this notice, whichever is earlier, petition the United States
23 District Court for the District of Arizona for a hearing to adjudicate the validity of
24 his/her alleged interest in the property pursuant to 21 U.S.C. § 853(n).

25 If a hearing is requested, it shall be held before the Court alone without a jury.
26 Petitioners bear the burden of proof in all such cases. Petitions that fail to allege an
27
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1 interest sufficient to maintain a claim under 21 U.S.C. § 853(n) shall be subject to
2 dismissal without a hearing.

3 The petition must be signed by the petitioner under penalty of perjury and shall
4 identify the particular property or properties in which the petitioner claims a legal right,
5 title or interest; the nature and extent of the such right, title or interest in each property;
6 the time and circumstances of the petitioner's acquisition of the right, title and interest in
7 each property; and any additional facts and documents supporting the petitioner's claim
8 and the relief sought. *See* 21 U.S.C. § 853(n)(3). Corporate persons may only file claims
9 if represented by counsel.

10 A hearing on the petition shall, to the extent practicable and consistent with the
11 interests of justice, be held within thirty (30) days of the filing of the petition. The Court
12 may consolidate the hearing on the petition with a hearing on any other petition filed by
13 a person other than any of the defendants named above. The petitioner may testify and
14 present evidence and witnesses on his own behalf and cross-examine witnesses who
15 appear at the hearing.

16 Your petition must be filed with the United States District Court, District of
17 Arizona, at the following address:

- 18
- 19 • 401 West Washington Street, Phoenix, Arizona 85003.

20 Furthermore, you must serve the United States of America with your petition at
21 the following address:

- 22
- 23 • Assistant United States Attorney Joseph Bozdech, Two Renaissance
24 Square, 40 North Central, Suite 1800, Phoenix, Arizona 85004-4408.

25 IF YOU FAIL TO FILE A PETITION TO ASSERT YOUR RIGHT, TITLE OR
26 INTEREST IN THE PROPERTY, WITHIN THIRTY (30) DAYS OF THIS NOTICE,
27 OR WITHIN THIRTY (30) DAYS OF THE LAST PUBLICATION OF THIS NOTICE,
28

1 WHICHEVER IS EARLIER, YOUR RIGHT, TITLE AND INTEREST IN THE
2 PROPERTY SHALL BE LOST AND FORFEITED TO THE UNITED STATES. THE
3 UNITED STATES THEN SHALL HAVE CLEAR TITLE TO THE PROPERTY AND
4 MAY WARRANT GOOD TITLE TO ANY SUBSEQUENT PURCHASER OR
5 TRANSFEREE.

6
7 DATED this 6th day of June, 2024.

8 GARY M. RESTAINO
9 United States Attorney
10 District of Arizona

11 S/ Joseph Bozdech
12 JOSEPH BOZDECH
13 Assistant United States Attorney
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U.S. Department of Justice

United States Attorney
District of Arizona

Two Renaissance Square
40 N. Central Ave., Suite 1800
Phoenix, AZ 85004-4408

Main: (602) 514-7500
Main Fax: (602) 514-7693

Joseph.Bozdech@usdoj.gov

July 1, 2024

Sent Via Certified and First-Class U.S. Mail to:

BackJoy Orthotics, LLC
Attn: Eric Selhorn, Registered Agent
P.O. Box 11036
Boulder, CO 80301

Re: *United States v. David Allen Harbour*
CR-19-00898-PHX-DLR

Dear Mr. Selhorn:

Our records indicate that you or your client may have an interest in certain property seized in the above action. This letter is to advise you that the United States has initiated judicial proceedings to criminally forfeit that property. By receipt of this letter, you or your client are on actual notice of these proceedings. Enclosed are copies of the Notice of Forfeiture and Preliminary Order of Forfeiture.

Service of this letter in no way implies that the United States believes that you have a valid interest in any property. The procedure and deadlines for filing a claim or petition are governed by 21 U.S.C. § 853(n)(2) and (3). Any claim or petition filed with the court must: (1) be signed under penalty of perjury; (2) identify the property at issue; (3) describe the nature and extent of any interest in the property; (4) detail the time and circumstances of acquisition of the interest in the property; (5) list any additional facts and documents in support of the claim or petition; and (6) state the specific relief sought.

Failure to timely comply with these rules will lead to entry of an order forfeiting the property.

Regards,

GARY M. RESTAINO
United States Attorney
District of Arizona

A handwritten signature in blue ink, appearing to read "J. Bozdech", is written over a faint, larger signature.

JOSEPH F. BOZDECH
Assistant United States Attorney

Encl.: Notice of Forfeiture
Preliminary Order of Forfeiture

7021 0950 0001 1678 2096

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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

MAILED
7-1-24
 Postman Here

Sent To
BACKJOY ORTHOTICS, LLC
ATTN: ERIC SELHORN, REGISTERED AGENT
 Street and Apt. No., or PO Box No.
P.O. BOX 11036
 City, State, ZIP+4®
BOULDER, CO 80301

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

ALERT: FLOODING AND SEVERE WEATHER IN THE CARIBBEAN, SOUTHEAST, MID-ATLANTIC,...

Tracking Number:

Remove X

70210950000116782096

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 3:36 pm on July 19, 2024 in LONGMONT, CO 80504.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

LONGMONT, CO 80504

July 19, 2024, 3:36 pm

Arrived at USPS Regional Facility

DENVER CO DISTRIBUTION CENTER

July 18, 2024, 3:12 pm

Arrived at USPS Regional Facility

COLORADO SPRINGS CO DISTRIBUTION CENTER

July 15, 2024, 2:05 pm

Departed USPS Regional Facility

DENVER CO DISTRIBUTION CENTER

July 3, 2024, 9:58 am

Arrived at USPS Regional Facility

DENVER CO DISTRIBUTION CENTER

Feedback

July 3, 2024, 5:13 am

Arrived at USPS Regional Facility
PHOENIX AZ DISTRIBUTION CENTER
July 2, 2024, 12:44 am

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

1 GARY M. RESTAINO
United States Attorney
2 District of Arizona
JOSEPH BOZDECH
3 California State Bar Number 303453
Assistant United States Attorney
4 Two Renaissance Square
40 North Central Avenue, Suite 1800
5 Phoenix, Arizona 85004-4408
Telephone: (602) 514-7500
6 Email: joseph.bozdech@usdoj.gov
Attorneys for Plaintiff
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 v.
13 David Allen Harbour,
14 Defendant.

CR 19-00898-PHX-DLR
Notice of Forfeiture

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16 Notice is given that an order was entered condemning and forfeiting to the United
17 States of America the property listed in the order. The order having been entered,
18 Plaintiff United States of America gives notice of its intention to dispose of the forfeited
19 property in such manner as the Attorney General of the United States may direct. Any
20 persons or entities having or claiming a legal right, title or interest in any of the
21 aforementioned property must, within thirty (30) days of the final publication of this
22 notice or actual receipt of this notice, whichever is earlier, petition the United States
23 District Court for the District of Arizona for a hearing to adjudicate the validity of
24 his/her alleged interest in the property pursuant to 21 U.S.C. § 853(n).

25 If a hearing is requested, it shall be held before the Court alone without a jury.
26 Petitioners bear the burden of proof in all such cases. Petitions that fail to allege an
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1 interest sufficient to maintain a claim under 21 U.S.C. § 853(n) shall be subject to
2 dismissal without a hearing.

3 The petition must be signed by the petitioner under penalty of perjury and shall
4 identify the particular property or properties in which the petitioner claims a legal right,
5 title or interest; the nature and extent of the such right, title or interest in each property;
6 the time and circumstances of the petitioner's acquisition of the right, title and interest in
7 each property; and any additional facts and documents supporting the petitioner's claim
8 and the relief sought. *See* 21 U.S.C. § 853(n)(3). Corporate persons may only file claims
9 if represented by counsel.

10 A hearing on the petition shall, to the extent practicable and consistent with the
11 interests of justice, be held within thirty (30) days of the filing of the petition. The Court
12 may consolidate the hearing on the petition with a hearing on any other petition filed by
13 a person other than any of the defendants named above. The petitioner may testify and
14 present evidence and witnesses on his own behalf and cross-examine witnesses who
15 appear at the hearing.

16 Your petition must be filed with the United States District Court, District of
17 Arizona, at the following address:

- 18
- 19 • 401 West Washington Street, Phoenix, Arizona 85003.

20 Furthermore, you must serve the United States of America with your petition at
21 the following address:

- 22
- 23 • Assistant United States Attorney Joseph Bozdech, Two Renaissance
24 Square, 40 North Central, Suite 1800, Phoenix, Arizona 85004-4408.

25 IF YOU FAIL TO FILE A PETITION TO ASSERT YOUR RIGHT, TITLE OR
26 INTEREST IN THE PROPERTY, WITHIN THIRTY (30) DAYS OF THIS NOTICE,
27 OR WITHIN THIRTY (30) DAYS OF THE LAST PUBLICATION OF THIS NOTICE,
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1 WHICHEVER IS EARLIER, YOUR RIGHT, TITLE AND INTEREST IN THE
2 PROPERTY SHALL BE LOST AND FORFEITED TO THE UNITED STATES. THE
3 UNITED STATES THEN SHALL HAVE CLEAR TITLE TO THE PROPERTY AND
4 MAY WARRANT GOOD TITLE TO ANY SUBSEQUENT PURCHASER OR
5 TRANSFEREE.

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7 DATED this 1st day of July, 2024.

8 GARY M. RESTAINO
9 United States Attorney
10 District of Arizona

11 S/ Joseph Bozdech
12 JOSEPH BOZDECH
13 Assistant United States Attorney
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,
10 Plaintiff,
11 v.
12 David Allen Harbour,
13 Defendant.
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No. CR-19-00898-001-PHX-DLR
ORDER

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16 Before the Court is the Government's Motion to Amend Order of Forfeiture and/or
17 Order Immediate Payment of Restitution (Doc. 805). There being no response filed by
18 Defendant, and for good cause shown, the Court grants the motion and adopts the
19 Government's proposed order. Accordingly,

20 **IT IS ORDERED** that the Government's motion (Doc. 805) is **GRANTED** and the
21 Court's forfeiture order (Doc. 801) is amended as follows:

22 On November 6, 2023, this Court entered its Order of forfeiture, including directly
23 forfeitable substitute property and a money judgment. (Doc. 801). Except as to the value
24 of the directly forfeited property, the money judgment remains unsatisfied. The United
25 States has now shown by a preponderance of the evidence that the following items of
26 personal property and Defendant's \$30,000 capital trust account with BackJoy Orthotics,
27 LLC, are subject to forfeiture as substitute assets in partial satisfaction of the money
28 judgment against Defendant:

- 1 1. Cartier Pasha Seatimer Chronograph Watch with Serial Number
- 2 604011MX and Black Rubber Bracelet;
- 3 2. 18 Karat White Gold Diamond Cuff Bracelet;
- 4 3. Stud Earrings;
- 5 4. 10 Silver Dollars in American Eagle Collector Boxes;
- 6 5. Three ASU Championship Rings;
- 7 6. Chanel Watch with Serial Number W.K.80418;
- 8 7. Ring with Pink Stone; and
- 9 8. Stainless Navitimer Gents Breitling Watch with Serial Number
- 10 422425 and Polished Navitimer Heritage Bracelet (collectively, the “Subject
- 11 Property”).

12 The Court has determined that the Subject Property is subject to forfeiture as
13 substitute assets pursuant to 18 U.S.C. § 981, 982, 21 U.S.C. § 853(p), and/or 28 U.S.C. §
14 2461(c). The Government has established that one or more of the conditions in 21 U.S.C.
15 853(p)(1) have been met, and that the Subject Property qualifies for forfeiture under 21
16 U.S.C. 853(p)(2). The Court finds that the defendant has forfeited all right, title and interest
17 defendant may have in the Subject Property.

18 Upon the entry of this Order, the United States is authorized to seize the Subject
19 Property and to conduct any discovery to identify, locate or dispose property that is subject
20 to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

21 Upon entry of this Order, the United States is authorized to commence any
22 applicable proceeding to comply with statutes governing third party rights, including
23 giving notice of this Order.

24 Any person asserting a legal interest in the Subject Property must, within thirty days
25 of the final publication of notice or receipt of notice, whichever is earlier, petition the court
26 for a hearing without a jury to adjudicate the validity of any alleged interest in the property,
27 and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n).

1 Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Order of Forfeiture shall become final
2 as to the defendant at the defendant's sentencing and shall be included in the sentence and
3 judgment. If no third-party files a timely claim, this Order shall become the Final Order of
4 Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

5 Any petition filed by a third party asserting an interest in the Subject Property shall
6 be signed by the petitioner under penalty of perjury and shall set forth the nature and extent
7 of the petitioner's right, title, or interest in the Subject Property, the time and circumstances
8 of the petitioner's acquisition of the right, title or interest in the Subject Property, and any
9 additional facts supporting the petitioner's claim and the relief sought, and the petitioner
10 shall serve a copy upon JOSEPH F. BOZDECH, Assistant United States Attorney.

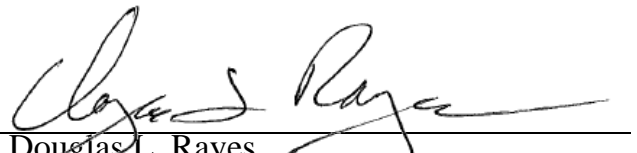
11 After the disposition of any motion filed pursuant to Fed. R. Crim. P. 32.2(c)(1)(A)
12 and before a hearing on the petition, discovery may be conducted in accordance with the
13 Federal Rules of Civil Procedure upon a showing that such discovery is necessary or
14 desirable to resolve factual issues.

15 The United States shall have clear title to the Subject Property following the Court's
16 disposition of all third-party interests, or, if none, following the expiration of the period
17 provided in 21 U.S.C. § 853(n)(2), for the filing of third-party petitions.

18 The Court shall retain jurisdiction to enforce this Order, and to amend it as
19 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

20 Dated this 25th day of January, 2024.

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Douglas L. Rayes
United States District Judge